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# SEVENTEENTH ANNUAL REPORT

OF THE

## MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING OCTOBER 1, 1902.



BOSTON :  
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,  
18 POST OFFICE SQUARE.

1903.

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APPROVED BY  
THE STATE BOARD OF PUBLICATION.

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## NAMES OF BOARD AND OFFICERS.

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CHARLES F. NIXON, *President.*

AMOS K. TILDEN, *Secretary.*

FREEMAN H. BUTLER.

GEORGE M. HOYT.

HENRY ADAMS.

SIMON B. HARRIS, *Agent.*



# Commonwealth of Massachusetts.

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## REPORT.

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To His Excellency W. MURRAY CRANE, *Governor*.

SIR: — The Revised Laws provide that the Board “shall annually, . . . make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.” The greater part of this matter will be found in the report of the secretary.

The general condition of pharmacy in this State is not greatly different from that in recent preceding years. The stores in which the professional side of pharmacy is the prominent one and many in which the commercial side is more prominent are doing successful and satisfactory business. There are, as always, many stores in the State that have little excuse for existence, in which business is not so successfully conducted.

The general work of the Board has been conducted as formerly, with the purpose of dealing justly and fairly with all concerned. Our agent's report shows that the violations of the laws under the supervision of this Board have been less in number than in the previous year, and that the greater part of such violations have been made by unregistered persons. In the granting of certificates for sixth-class liquor licenses the Board has been much embarrassed. The statutes require that pharmacists holding sixth-class liquor licenses shall keep a record of each sale and the detail of keeping such record is carefully prescribed. There is no apparent reason why pharmacists making legitimate sales should fail to comply with this requirement, but it is found that in many stores of unquestioned reputation no record or incomplete records have been

kept. In some cities and towns it has been practically impossible to find a properly kept record book. The Board has found it impracticable to draw a line between stores of varying reputations, and in all cases has felt obliged to withhold certificates of fitness for a time, as the individual case seems to require. It is not the province of this Board to pass upon the usefulness or value of the records of liquor sales. The statute requires that they shall be made, and it is one of the duties of this Board to enforce this requirement.

The attention of the Board is frequently called to stores operated by unregistered persons, sometimes as a permanent arrangement, but more often by registered proprietors leaving their stores in charge of unregistered clerks for days or weeks at a time. Such procedure is clearly a violation of the law, and when such violation comes to the attention of the Board, it is obliged to take action.

#### LEGISLATION.

The statutes provide (Revised Laws, chapter 76, section 17) that "The board may suspend the effect of the certificate of registration as a pharmacist for such term as the board fixes," etc., but there is no provision for the disposal of the suspended certificate. It frequently occurs, therefore, that suspended certificates remain exposed in the stores as before suspension, and stores have been found in the past year operating under suspended or revoked certificates. The Board recommends that the laws be so amended that revoked or suspended certificates shall not be exposed, and that a penalty be provided for noncompliance with this provision.

#### EXAMINATION OF CANDIDATES FOR REGISTRATION.

It is believed that the present method of examination of candidates for registration gives general satisfaction. The examination consists of four parts: first, written; second, oral; third, dispensing of prescriptions; and fourth, the identification of drugs. The percentage of those who successfully pass is comparatively small. The number of persons examined during the year ending Oct. 1, 1902, was 327. Of these, 96 passed, making a percentage of 29. One hundred and two of these persons were examined more than once, thus making the



secretary's report show 449. On this basis the percentage is 21.4. It is not believed that this low percentage is due to over-rigid requirements, but rather to lack of proper preparation of candidates. Too many prepare themselves on the basis of learning questions and answers, thus failing to acquire a knowledge of the principles involved. The Board would again express the opinion that only by systematic study of the underlying principles of pharmacy, chemistry and materia medica, can candidates become proficient pharmacists and be entitled to registration.

By the operation of the law that precludes the reappointment of the members of the Board, the term of Mr. Amos K. Tilden expires with this report. He has been a member of the Board for twelve years, and served as its secretary for the last three and one-half years. During this period radical changes have been made in the work and methods of the office. He leaves the Board with the love and respect of all with whom he has labored, and in his retirement the druggists of the State lose the services of a genial friend and the State a faithful servant.

Respectfully submitted,

C. F. NIXON, *President.*

AMOS K. TILDEN, *Secretary.*

F. H. BUTLER.

GEO. M. HOYT.

HENRY ADAMS.

BOSTON, MASS., Oct. 1, 1902.

## SECRETARY'S REPORT.

### EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows : —

1901-1902.	Days.	Examined.	Registered.	Rejected.
October 1, . . . . .	1	10	3	7
October 8, . . . . .	1	9	—	9
October 15, . . . . .	1	9	—	9
October 21, . . . . .	1	8	2	6
October 29, . . . . .	1	9	1	8
November 12, . . . . .	1	9	2	7
November 19, . . . . .	1	8	3	5
December 3, . . . . .	1	9	1	8
December 10, . . . . .	1	7	1	6
December 31, . . . . .	1	10	6	4
January 7, . . . . .	1	10	3	7
January 14, . . . . .	1	9	3	6
January 21, . . . . .	1	10	3	7
January 28, . . . . .	1	10	3	7
February 4, . . . . .	1	9	—	9
February 11, . . . . .	1	10	1	9
February 18, . . . . .	1	9	1	8
February 25, . . . . .	1	10	1	9
March 4, . . . . .	1	10	2	8
March 11, . . . . .	1	8	—	8
March 18, . . . . .	1	11	5	6
March 24, . . . . .	1	9	4	5
March 25, . . . . .	1	11	3	8
April 1, . . . . .	1	8	—	8
April 8, . . . . .	1	10	1	9
April 15, . . . . .	1	10	2	8
April 22, . . . . .	1	11	2	9
April 29, . . . . .	1	11	—	11
May 6, . . . . .	1	9	1	8
May 13, . . . . .	1	10	2	8
May 20, . . . . .	1	10	4	6
May 27, . . . . .	1	12	7	5
June 9, 10, 11, . . . . .	3	26	6	20
June 16, . . . . .	1	9	2	7
June 18, 19, . . . . .	2	19	4	15
June 23, 24, 25, 26, . . . . .	4	45	11	34
June 30, . . . . .	1	11	1	10
September 22, 23, . . . . .	2	18	4	14
September 29, 30, . . . . .	2	16	1	15
Totals, . . . . .	47	449	96	353

Of the ninety-six certificates granted this year : —

25 passed on first examination.				5 passed on eighth examination.			
22	"	second	"	3	"	ninth	"
5	"	third	"	1	"	tenth	"
15	"	fourth	"	2	"	eleventh	"
9	"	fifth	"	1	"	twelfth	"
2	"	sixth	"	1	"	fourteenth	"
4	"	seventh	"	1	"	fifteenth	"

# FINANCIAL STATEMENT FROM OCT. 1, 1901, TO JULY 1, 1902.

Oct. 1, 1901, cash in State treasury, . . . . . \$681 43

Received from Oct. 1, 1901, to July 1, 1902 : —

Fees from applicants, 269 at \$3, . . . . .	\$807 00
Fees from applicants, 133 at \$5, . . . . .	665 00
For duplicate certificates, . . . . .	6 00
	<hr/>
	1,478 00
	<hr/>
	\$2,159 43

## Expenditures.

	Services.	Expenses.	Total.
C. F. Nixon, president, . . . . .	\$245 00	\$122 40	\$367 40
C. F. Nixon, drugs, . . . . .	—	4 15	4 15
A. K. Tilden, secretary, . . . . .	212 50	23 65	236 15
A. K. Tilden (miscellaneous bills), . . . . .	—	49 65	49 65
F. H. Butler, . . . . .	215 00	82 95	297 95
G. M. Hoyt, . . . . .	265 00	68 80	333 80
G. M. Hoyt, drugs, . . . . .	—	6 70	6 70
Henry Adams, . . . . .	200 00	255 67	455 67
John A. Rice, . . . . .	10 00	22 44	32 44
	<hr/>	<hr/>	<hr/>
	\$1,147 50	\$636 41	\$1,783 91

Wright & Potter Printing Company, . . . . .	\$17 10
The E. L. Patch Company, . . . . .	52 27
Neostyle Company, . . . . .	79 46
A. W. Baker & Co., . . . . .	7 20
Whitall, Tatum Company, . . . . .	8 27
Gilman Brothers, . . . . .	5 92
J. L. Hammett Company, . . . . .	3 24
Theodore Metcalf Company, . . . . .	2 49
	<hr/>
	175 95
	<hr/>
	1,959 86

Balance in State treasury, . . . . . \$199 57

*Liabilities.*

Applicants not examined, fees paid:—

Prior to Oct. 1, 1901:—

51 at \$3, . . . . . \$153 00

48 at \$5, . . . . . 240 00

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\$393 00

From Oct. 1, 1901, to Oct. 1, 1902:—

29 at \$3, . . . . . \$87 00

10 at \$5, . . . . . 50 00

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137 00

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\$530 00

## APPLICATIONS FOR CERTIFICATES OF FITNESS.

Applications received from Oct. 1, 1901, to March 1, 1902, to expire April 30, 1902, . . . . . 79

Certificates granted, . . . . . 47

Applications rejected or withdrawn, . . . . . 30

Transferred to new account, . . . . . 2

Applications received from March 1, 1902, to July 1, 1902, to expire April 30, 1903, . . . . . 1,233

Certificates granted, . . . . . 1,115

Applications rejected or withdrawn, . . . . . 115

Transferred to new account, . . . . . 3

Total number of applications from Oct. 1, 1901, to July 1, 1902, 1,312

Total number of certificates granted, . . . . . 1,162

Total number of applications rejected or withdrawn, 145

Total number transferred to new account, . . . . . 5

Total amount of fees received from Oct. 1, 1901, to July 1, 1902, \$1,312 00

Returned to rejected applicants or withdrawn, . \$145 00

Cash paid to State Treasurer, . . . . . 1,162 00

Transferred, . . . . . 5 00

## FINANCIAL STATEMENT FROM OCT. 1, 1901, TO JULY 1, 1902.

	Services.	Expenses.	Total.
C. F. Nixon, president, . . .	\$170 00	\$78.40	\$248 40
A. K. Tilden, secretary, . . .	605 00	14 00	619 00
A. K. Tilden (miscellaneous bills), . . .	—	45 53	45 53
F. H. Butler, . . . . .	80 00	31 20	111 20
G. M. Hoyt, . . . . .	82 50	28 45	110 95
Henry Adams, . . . . .	70 00	83 27	153 27
S. B. Harris, . . . . .	955 00	460 04	1,415 04
Lucie Barret Koch, . . . . .	5 00	—	5 00
Bessie Burroughs, . . . . .	530 00	—	530 00
	<hr/>	<hr/>	<hr/>
	\$2,497 50	\$740 89	\$3,238 39

Wright & Potter Printing Company, . . . . .	\$132 65	
Burditt & Williams Company, . . . . .	2 92	
J. L. Fairbanks & Co., . . . . .	15 38	
New England Telephone and Telegraph Company, . . . . .	4 88	
Thorp & Martin Company, . . . . .	1 10	
A. W. Baker Co., . . . . .	1 40	
Press Clipping Bureau, . . . . .	14 98	
A. R. Andrews, . . . . .	1 00	
Wyckoff, Seamans & Benedict, . . . . .	5-00	
	<hr/>	\$179 31
		<hr/> \$3,417 70

Number of meetings held for granting to applicants certificates of fitness, Oct. 1, 1901, to Oct. 1, 1902, . . . . .	24
Number of hearings on applications for certificates of fitness, Oct. 1, 1901, to Oct. 1, 1902, . . . . .	110

### ENFORCEMENT OF PHARMACY LAW.

#### SUMMARY, OCT. 1, 1901, TO OCT. 1, 1902.

Number of meetings for enforcement of pharmacy law, . . . . .	9
Number of hearings on violations of pharmacy law, . . . . .	17
Number of certificates suspended for two years, . . . . .	3
Number of certificates suspended for one year, . . . . .	4
Number of certificates suspended for six months, . . . . .	3
Number of certificates suspended for three months, . . . . .	3
Number of cases continued for sentence, . . . . .	4
Number of formal complaints to the Board, . . . . .	15
Number of pharmacists reinstated, . . . . .	2

#### FINANCIAL STATEMENT FROM OCT. 1, 1901, TO JULY 1, 1902.

	Services.	Expenses.	Total.
C. F. Nixon, . . . . .	\$80 00	\$49 60	\$129 60
A. K. Tilden, . . . . .	45 00	4 00	49 00
A. K. Tilden, cash paid for wit- ness fees, . . . . .	—	56 63	56 63
F. H. Butler, . . . . .	25 00	9 75	34 75
G. M. Hoyt, . . . . .	42 50	13 35	55 85
Henry Adams, . . . . .	40 00	58 33	98 33
S. B. Harris, . . . . .	195 00	104 88	299 88
	<hr/>	<hr/>	<hr/>
	\$427 50	\$296 54	\$724 04

#### FINANCIAL STATEMENT FROM JULY 1, 1902, TO OCT. 1, 1902.

DR.	Examinations.	CR.
Cash on hand July 1, 1902, \$68 00	Paid State Treasurer, . . .	\$198 00
Fees received: —		
25 at \$3, . . . \$75 00		
11 at \$5, . . . 55 00		
<hr/> 130 00		
<hr/> \$198 00		



Dr.	<i>Certificates of Fitness.</i>		Cr.
Fees received, . . . .	\$47 00	Paid rejected applicants, . .	\$8 00
		Paid State Treasurer, . .	35 00
		Transferred to new account, .	4 00
			<hr/> \$47 00

*Expenditures of the Board.*

Amount appropriated by Legislature for the months of July,  
August and September, . . . . . \$1,875 00

	Salaries.	Expenses.	Total.
C. F. Nixon, . . . .	\$125 00	\$30 80	\$155 80
A. K. Tilden, . . . .	250 00	3 55	253 55
A. K. Tilden (miscellaneous bills), . . . .	—	11 33	11 33
F. H. Butler, . . . .	75 00	13 65	88 65
G. M. Hoyt, . . . .	75 00	13 00	88 00
G. M. Hoyt, drugs, . . . .	—	50	50
Henry Adams, . . . .	75 00	48 30	123 30
S. B. Harris, . . . .	375 00	185 49	560 49
Bessie Burroughs, . . . .	180 00	—	180 00
	<hr/> \$1,155 00	<hr/> \$306 62	<hr/> \$1,461 62
Press Clipping Bureau, . . . .		\$5 50	
Sampson, Murdock Company, . . . .		6 50	
Whitall, Tatum Company, . . . .		2 04	
Weeks & Potter Company, . . . .		2 29	
Wright & Potter Printing Company, . . . .		7 33	
New England Telephone and Telegraph Company, . . . .		1 25	
The E. L. Patch Company, . . . .		11 83	
Gilman Brothers, . . . .		1 96	
J. L. Hamnett Company, . . . .		2 25	
Wyckoff, Seamans & Benedict, . . . .		3 65	
		<hr/> 44 60	
			<hr/> 1,506 22
Balance, . . . . .			\$368 78

AMOS K. TILDEN,

*Secretary.*

NOTE.—By Acts of the Legislature of 1902 it became necessary for the secretary of the Board to keep two accounts. Chapter 382 of said Acts made an appropriation, for carrying on the work of the Board, of the sum of \$4,000. Chapter 525 is an act to make provision for salaries of the members of the Board of Pharmacy, also making appropriation for carrying on the work and expenses of the Board, the sum of \$3,750, to take effect from and after the first day of July, 1902, thereby repealing chapter 382 of the Acts of the present year.

## AGENT'S REPORT.

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### *To the Board of Registration in Pharmacy.*

Herewith submitted is a review of the duty performed by me under your orders during the past year, with statements regarding the lawful and unlawful conditions of the business of pharmacy throughout the Commonwealth.

The following registered pharmacists died during the year : —

Anderson, Joseph E., . . Boston.	Hill, James W. H., . . Boston.
Andros, Henry S., . . Cambridge.	Keen, Frederick, . . . Worcester.
Anctil, Alexis, . . . Fall River.	Laing, Alfred A., . . . Cambridge.
Bannon, Edward J., . . Boston.	Lewis, Fred E., . . . Boston.
Beck, Thomas B., . . . Haverhill.	Morrison, Robert D., . . Boston.
Blake, William H., . . Boston.	Packard, Bertrand, . . Pittsfield.
Buttrick, John H., . . Lowell.	Palmer, John W., . . . Boston.
Carrol, Edward, . . . Boston.	Parker, George H., . . Andover.
Collins, Frank E., . . Millbury.	Pease, Francis M., . . Lee.
Cofren, Noah G., . . . Malden.	Sammons, John P, . . Pittsfield.
Coombs, Charles E., . . Boston.	Smith, Nathan F., . . Williamstown.
Cummings, Henry, . . Boston.	Standley, Horace, . . . Beverly.
Edgerton, George A., . Chicopee.	Thorndike, Edward, . . Cambridge.
Gilbert, Fairfield, . . Boston.	Underhill, William H., . Haverhill.
Green, Henry C., . . . Fitchburg.	Woodman, Charles H., . Boston.
Grover, Elbridge H., . Boston.	

Every portion of the State where drug stores are located has been visited by me in the performance of my duties. Many localities have received several calls.

It is gratifying to state that prosecutions have not been as numerous during 1902 as formerly, which may be considered creditable to the profession.

The majority of those prosecuted and convicted were unregistered persons. Several were determined to carry on the drug business, although advised to give it up, thereby saving a court record. One person convicted was a town clerk who had held the position for nearly forty years. In the case of two others who engaged in the business, the only pretext whereby the

claim was made that they were conforming to the law was the displaying of a certificate of registration in pharmacy by one of the proprietors, which had been revoked altogether seven years before. Both promptly paid their fines and dissolved partnership.

Others were unregistered clerks, who took the responsibility to make illegal sales of liquor unknown to the registered proprietors. In several instances the sales were made to officers who were looking for evidence, the persons making the sale being arrested at the time, thereby obtaining for themselves the publicity of arrest and conviction, at the same time jeopardizing the reputation and license of their employers. It does not seem that the profits received upon such risks could be sufficient to compensate for the resulting expenses and annoyances.

A few were registered proprietors, unlicensed, but who took chances to sell liquor illegally, were caught in the act, fined in court, and certificates of registration in pharmacy suspended by your Board, which ought to so impress the defendants that they will not again violate the pharmacy laws.

There still exists in the minds of some the desire to engage in the pharmacy business without any qualification except being possessed with the funds to obtain a drug store, without first lawfully associating themselves with registered partners. Then the hunt begins to find some one who has a certificate of registration, who will, for a consideration per week, serve the proprietors in the compounding and dispensing of medicine, and also to state at all times, when inquired of, "I am a partner of Mr. Blank," although not one cent has been paid by the registered clerk for an interest in the store, while back of the whole proceedings is the desire of the unregistered proprietor that the registered man shall obtain a sixth-class license. If he fails, as he should under the law, his services are no longer wanted. Another takes his place, and makes application for a license certificate. In the event of his failure to obtain the desired prize, he retires, as his predecessor did. Then, between the going and coming of the registered men, said unregistered proprietor undertakes to keep the store open for business, thereby taking the chances, through ignorance, of making mis-



takes, causing individual pain and suffering, sometimes death. Two instances are recalled where death ensued in one and painful results attended the other. Prosecutions and convictions followed. Then the would-be proprietors (the registered clerks) were open to congratulations that they had escaped said consequences.

Another attempt to violate the provisions of the pharmacy law, which came to the attention of the Board, was fully investigated and remedied. Certain department stores, doing business as stock companies, subletting space to would-be druggists, claimed the right to do business as stock companies under section 22, chapter 100, Revised Laws, when in fact the whole drug business was owned by one unregistered man, pretending to conduct his business under said statute, having only a registered clerk for two stores, operating a third with a registered partner. The three stores consolidated into one firm, with a registered partner in each to supervise the dispensing of medicine, thereby protecting the public against incompetency.

As your agent has taken occasion to remark before, the local authorities generally co-operate with the Board in the enforcement of the pharmacy laws. The fact remains, however, that in a few localities no attention is paid whatever by said authorities, notwithstanding the unlawful conditions have been severely commented on from the pulpits and justices in open court, consequently compelling the Board to proceed and abate the nuisance without the assistance of the sworn officers of the law.

To illustrate: a complaint came to the office that a certain unregistered man (giving his name) in a certain town was conducting a drug store, no registered person being connected therewith. The chairman of the Board of Selectmen was made acquainted with the facts, who replied, "He is all right" (meaning the would-be druggist) "he doesn't do much business," when in fact he had a well-equipped store, advertised as a druggist, solicited prescriptions, and had taken out an internal revenue license from the government to do a retail liquor business. His former occupation was landlord of a hotel. He was complained of to the court by me, pleaded guilty, paid the

penalty and abandoned the business; whereas, if the local authorities had interested themselves in the matter, such a state of affairs would not have been possible.

The great majority of prosecuting officers in the State, who have rendered valuable assistance, are entitled to our thanks. To those who personally have assisted me in the performance of my duty, grateful acknowledgment is herewith extended.

#### RECAPITULATION.

Number of druggists deceased, . . . . .	31
Number of drug stores in the Commonwealth, . . . . .	1,552
Number of drug stores closed during the year, . . . . .	32
Number of new drug stores opened for business, . . . . .	16
Number of stores found, owned by unregistered proprietors, no registered partners, . . . . .	28
Number of complaints made to the Board investigated, . . . . .	96
Number of complaints investigated and reported for prosecution, . . . . .	65
Number of prosecutions, . . . . .	57
Number of convictions, . . . . .	50
Number found not guilty, . . . . .	7
Amount of fines imposed, . . . . .	\$2,125
Number of formal complaints made to the Board, . . . . .	15

In conclusion, your courtesies extended to me are fully appreciated, for which accept my thanks.

Respectfully submitted,

SIMON B. HARRIS,

*Agent.*

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LAWS

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

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1902.

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# LAWS RELATING TO PHARMACY.

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[CHAPTER 76, REVISED LAWS.]

## REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist



shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The Board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

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## [CHAPTER 100, REVISED LAWS.]

## DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical



purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows : —

*Certificate.*

I wish to purchase \_\_\_\_\_  
and I certify that I am not a minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. (\* Draw a line through  
the words which do not indicate the purpose of the purchase.)

○ Signature \_\_\_\_\_

Cancelled, \_\_\_\_\_

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

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[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words Poison and Antidote, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken pack-

ages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

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[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words: — or revoked,— and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require,— so as to read as follows: — *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]

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[CHAPTER 505, ACTS OF 1902.]

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [*Approved June 23, 1902.*]